

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

**IN RE: VOLKSWAGEN "CLEAN DIESEL"
MARKETING, SALES PRACTICES, AND
PRODUCTS LIABILITY LITIGATION**

Reed, et al. v. Volkswagen Group of America, Inc.,)
N. D. Georgia, C.A. No. 1:16-01388)

MDL No. 2672

ORDER REINSTATING STAY OF CONDITIONAL TRANSFER ORDER

On May 5, 2016, the Panel filed in this docket a conditional transfer order (CTO-39) pertaining to this action (*Reed*). In the absence of any known opposition, the stay of transmittal with regard to *Reed* was lifted on May 13, 2016, and the action was transferred to the Northern District of California. On May 16, 2016, plaintiffs in *Reed* filed a motion to reinstate the conditional transfer order. In their motion, plaintiffs, through counsel, state that, due to unspecified "technical issues," their counsel did not receive notice of the opportunity to object until after CTO-39 became final. Plaintiffs subsequently filed a Notice of Opposition.

Recourse to Panel records shows that on May 5, 2016, CTO-39 and its accompanying briefing schedule were served on plaintiffs' counsel via Notice of Electronic Filing sent to counsel's email address of record. Nevertheless, as an officer of the court, the Panel will accept counsel's assertion that notice was not received. The Panel will reinstate the conditional transfer order in *Reed* in order to permit plaintiffs to pursue their opposition to transfer.

IT IS THEREFORE ORDERED that the stay of the Panel's conditional transfer order designated as "CTO-39" filed on May 5, 2016, is REINSTATED insofar as it relates to this action.

IT IS FURTHER ORDERED that plaintiffs' Notice of Opposition is accepted for filing as of the date of this order.

IT IS FURTHER ORDERED that, pursuant to Panel Rule 6.1(e) and the Briefing Schedule issued on May 13, 2016 (*see* doc # 1631), plaintiffs' motion and brief to vacate the conditional transfer order are due on or before May 27, 2016.

FOR THE PANEL:


Jeffery N. Lüthi
Clerk of the Panel